

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 12-0460.01 Thomas Morris x4218

SENATE BILL 12-133

SENATE SPONSORSHIP

Schwartz, Aguilar, King S., Newell, White

HOUSE SPONSORSHIP

Coram,

Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING THE DIVERSION OF ELECTRONIC DEVICES FROM**
102 **LANDFILLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits the disposal of certain consumer electronic devices in landfills, effective by a date established by the solid and hazardous waste commission. Disposal in landfills located in communities that are not well-served by electronic device recycling facilities may be exempted from the ban. Beginning July 1, 2013, state

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unam ended
March 21, 2012

HOUSE
2nd Reading Unam ended
March 20, 2012

SENATE
3rd Reading Unam ended
February 29, 2012

SENATE
Am ended 2nd Reading
February 28, 2012

agencies must arrange for the recycling of such devices with a certified recycler. The department of public health and environment must coordinate with existing public and private efforts pertaining to the development and implementation of a public education program regarding electronic device recycling.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article
3 17 of title 25 as follows:

4 PART 3

5 ELECTRONIC DEVICE RECYCLING

6 **25-17-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY
7 BE CITED AS THE "ELECTRONIC RECYCLING JOBS ACT".

8 **25-17-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
11 COMMISSION CREATED IN SECTION 25-15-302.

12 (2) "CONSUMER" MEANS A PERSON WHO HAS PURCHASED AN
13 ELECTRONIC DEVICE PRIMARILY FOR PERSONAL OR HOME BUSINESS USE.

14 (3)(a) "ELECTRONIC DEVICE" MEANS A DEVICE THAT IS MARKETED
15 BY A MANUFACTURER FOR USE BY A CONSUMER AND THAT IS:

16 (I) A COMPUTER, PERIPHERAL, PRINTER, FACSIMILE MACHINE,
17 DIGITAL VIDEO DISC PLAYER, VIDEO CASSETTE RECORDER, OR OTHER
18 ELECTRONIC DEVICE SPECIFIED BY RULE PROMULGATED BY THE
19 COMMISSION; OR

20 (II) A VIDEO DISPLAY DEVICE OR COMPUTER MONITOR, INCLUDING
21 A LAPTOP, NOTEBOOK, ULTRABOOK, OR NETBOOK COMPUTER, TELEVISION,
22 TABLET OR SLATE COMPUTER, ELECTRONIC BOOK, OR OTHER ELECTRONIC
23 DEVICE SPECIFIED BY RULE PROMULGATED BY THE COMMISSION THAT

1 CONTAINS A CATHODE RAY TUBE OR FLAT PANEL SCREEN WITH A SCREEN
2 SIZE THAT IS GREATER THAN FOUR INCHES, MEASURED DIAGONALLY.

3 (b) "ELECTRONIC DEVICE" DOES NOT INCLUDE:

4 (I) A DEVICE THAT IS PART OF A MOTOR VEHICLE OR ANY
5 COMPONENT PART OF A MOTOR VEHICLE, INCLUDING REPLACEMENT PARTS
6 FOR USE IN A MOTOR VEHICLE;

7 (II) A DEVICE, INCLUDING A TOUCH-SCREEN DISPLAY, THAT IS
8 FUNCTIONALLY OR PHYSICALLY PART OF OR CONNECTED TO A SYSTEM OR
9 EQUIPMENT DESIGNED AND INTENDED FOR USE IN ANY OF THE FOLLOWING
10 SETTINGS, INCLUDING DIAGNOSTIC, MONITORING, OR CONTROL
11 EQUIPMENT:

12 (A) INDUSTRIAL;

13 (B) COMMERCIAL, INCLUDING RETAIL;

14 (C) LIBRARY CHECKOUT;

15 (D) TRAFFIC CONTROL;

16 (E) SECURITY, SENSING, MONITORING, OR COUNTERTERRORISM;

17 (F) BORDER CONTROL;

18 (G) MEDICAL; OR

19 (H) GOVERNMENTAL OR RESEARCH AND DEVELOPMENT;

20 (III) A DEVICE THAT IS CONTAINED WITHIN ANY OF THE
21 FOLLOWING:

22 (A) A CLOTHES WASHER OR DRYER;

23 (B) A REFRIGERATOR, FREEZER, OR REFRIGERATOR AND FREEZER;

24 (C) A MICROWAVE OVEN OR CONVENTIONAL OVEN OR RANGE;

25 (D) A DISHWASHER;

26 (E) A ROOM AIR CONDITIONER, DEHUMIDIFIER, OR AIR PURIFIER; OR

27 (F) EXERCISE EQUIPMENT;

1 (IV) A DEVICE CAPABLE OF USING COMMERCIAL MOBILE RADIO
2 SERVICE, AS DEFINED IN 47 CFR 20.3, THAT DOES NOT CONTAIN A VIDEO
3 DISPLAY AREA GREATER THAN FOUR INCHES, MEASURED DIAGONALLY; OR

4 (V) A TELEPHONE.

5 (4) "LANDFILL" MEANS A SOLID WASTES DISPOSAL SITE AND
6 FACILITY, AS THAT TERM IS DEFINED IN SECTION 30-20-101 (8), C.R.S.

7 (5) "PERIPHERAL" MEANS A KEYBOARD, MOUSE, OR OTHER DEVICE
8 THAT IS SOLD EXCLUSIVELY FOR EXTERNAL USE WITH A COMPUTER AND
9 PROVIDES INPUT OR OUTPUT INTO OR FROM A COMPUTER.

10 (6) "PROCESSING FOR REUSE" MEANS A METHOD, TECHNIQUE, OR
11 PROCESS BY WHICH ELECTRONIC DEVICES THAT WOULD OTHERWISE BE
12 DISPOSED OF OR DISCARDED ARE INSTEAD SEPARATED, PROCESSED, AND
13 RETURNED TO THEIR ORIGINAL INTENDED PURPOSES OR TO OTHER USEFUL
14 PURPOSES AS ELECTRONIC DEVICES.

15 (7) "RECYCLE" OR "RECYCLING" MEANS PROCESSING, INCLUDING
16 DISASSEMBLING, DISMANTLING, SHREDDING, AND SMELTING, AN
17 ELECTRONIC DEVICE OR ITS COMPONENTS TO RECYCLE A USEABLE
18 COMPONENT, COMMODITY, OR PRODUCT, INCLUDING PROCESSING FOR
19 REUSE. "RECYCLING", WITH RESPECT TO ELECTRONIC DEVICES, DOES NOT
20 INCLUDE ANY PROCESS DEFINED AS INCINERATION UNDER APPLICABLE
21 LAWS OR RULES.

22 (8) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,
23 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER
24 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,
25 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

26 (9) (a) "VIDEO DISPLAY DEVICE" MEANS:

27 (I) AN ELECTRONIC DEVICE WITH AN OUTPUT SURFACE THAT

1 DISPLAYS OR IS CAPABLE OF DISPLAYING MOVING GRAPHICAL IMAGES OR
2 VISUAL REPRESENTATIONS OF IMAGE SEQUENCES OR PICTURES THAT SHOW
3 A NUMBER OF QUICKLY CHANGING IMAGES ON A SCREEN TO CREATE THE
4 ILLUSION OF MOTION; OR

5 (II) AN ELECTRONIC DEVICE WITH A VIEWABLE SCREEN OF FOUR
6 INCHES OR LARGER, MEASURED DIAGONALLY, THAT CONTAINS A TUNER
7 THAT LOCKS ON TO A SELECTED CARRIER FREQUENCY OR CABLE SIGNAL
8 AND IS CAPABLE OF RECEIVING AND DISPLAYING TELEVISION OR VIDEO
9 PROGRAMMING VIA BROADCAST, CABLE, OR SATELLITE.

10 (b) "VIDEO DISPLAY DEVICE" INCLUDES A DEVICE THAT IS AN
11 INTEGRAL PART OF THE DISPLAY AND CANNOT EASILY BE REMOVED FROM
12 THE DISPLAY BY THE CONSUMER AND THAT PRODUCES THE MOVING IMAGE
13 ON THE SCREEN. A VIDEO DISPLAY DEVICE MAY USE A CATHODE RAY TUBE,
14 LIQUID CRYSTAL DISPLAY, GAS PLASMA, DIGITAL LIGHT PROCESSING, OR
15 OTHER IMAGE-PROJECTION TECHNOLOGY.

16 (c) "VIDEO DISPLAY DEVICE" DOES NOT INCLUDE A DEVICE THAT
17 IS PART OF A MOTOR VEHICLE OR ANY COMPONENT PART OF A MOTOR
18 VEHICLE ASSEMBLED BY, OR FOR, A VEHICLE MANUFACTURER OR
19 FRANCHISED DEALER, INCLUDING REPLACEMENT PARTS FOR USE IN A
20 MOTOR VEHICLE.

21 **25-17-303. Landfill ban - rules.** BY JULY 1, 2013, A PERSON
22 SHALL NOT DISPOSE OF AN ELECTRONIC DEVICE OR A COMPONENT OF AN
23 ELECTRONIC DEVICE IN A LANDFILL IN THIS STATE; EXCEPT THAT A BOARD
24 OF COUNTY COMMISSIONERS FOR A COUNTY THAT DOES NOT HAVE AT
25 LEAST TWO ELECTRONIC WASTE RECYCLING EVENTS PER YEAR OR AN
26 ONGOING ELECTRONIC WASTE RECYCLING PROGRAM THAT SERVES
27 RESIDENTS OF THE COUNTY MAY, BY MAJORITY VOTE OF THE

1 COMMISSIONERS AND IN COMPLIANCE WITH THE REQUIREMENTS OF THIS
2 SECTION, EXEMPT ITS RESIDENTS FROM THE BAN ESTABLISHED BY THIS
3 SECTION. A COUNTY SHALL MAKE A GOOD FAITH EFFORT TO SECURE THE
4 ELECTRONIC WASTE RECYCLING SERVICES BEFORE THE BOARD OF
5 COMMISSIONERS MAY EXEMPT THE COUNTY'S RESIDENTS FROM THE
6 LANDFILL BAN. AN EXEMPTION FROM THE LANDFILL BAN IS VALID FOR TWO
7 YEARS, AFTER WHICH THE BOARD MAY VOTE ON ANOTHER TWO-YEAR
8 EXEMPTION AFTER AGAIN MAKING A GOOD FAITH EFFORT TO SECURE A
9 VENDOR TO PROVIDE THE RECYCLING SERVICES. A COUNTY IS NOT
10 REQUIRED TO PAY FOR THE RECYCLING SERVICES. COUNTIES THAT
11 CURRENTLY DO NOT HAVE SUCH SERVICES ARE ENCOURAGED TO WORK
12 WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND
13 OTHER ENTITIES, SUCH AS THE COLORADO ASSOCIATION FOR RECYCLING,
14 OR ITS SUCCESSOR ORGANIZATION, TO FIND AN ELECTRONICS RECYCLING
15 VENDOR THAT WILL SERVE THAT COUNTY. ___

16 **25-17-304. State electronic device recycling - rules.**

17 (1) EFFECTIVE JULY 1, 2013, EACH STATE AGENCY SHALL RECYCLE ITS
18 ELECTRONIC DEVICES. THE AGENCY SHALL USE ONLY A RECYCLER THAT
19 IS CERTIFIED TO A NATIONAL ENVIRONMENTAL CERTIFICATION STANDARD
20 SUCH AS THE R2 OR E-STEWARD STANDARDS OR OTHER COMPARABLE
21 RECYCLING OR DISPOSAL STANDARD; EXCEPT THAT THIS CERTIFICATION
22 REQUIREMENT DOES NOT APPLY TO PROCESSING FOR REUSE CONDUCTED
23 ON BEHALF OF STATE AGENCIES AS STIPULATED IN SECTION 17-24-106.6,
24 C.R.S., BY THE DIVISION OF CORRECTIONAL INDUSTRIES CREATED IN
25 SECTION 17-24-104, C.R.S. THE COMMISSION MAY ADOPT RULES TO AVOID
26 THE USE OF CERTIFICATIONS THAT ARE NOT COMPARABLE.

27 (2) UPON RECEIPT OF A DEVICE, A RECYCLER THAT ACCEPTS AN

1 ELECTRONIC DEVICE FROM A STATE AGENCY SHALL PROVIDE THE AGENCY
2 WITH APPROPRIATE DOCUMENTATION VERIFYING THE RECYCLER'S
3 CERTIFICATION AS REQUIRED IN SUBSECTION (1) OF THIS SECTION.

4 **25-17-305. Immunity.** (1) A RECYCLER IS NOT LIABLE FOR
5 PERSONAL OR FINANCIAL DATA OR OTHER INFORMATION THAT A
6 CONSUMER OR STATE AGENCY MAY LEAVE ON AN ELECTRONIC DEVICE
7 THAT IS COLLECTED, PROCESSED, OR RECYCLED UNLESS THE RECYCLER
8 ACTED IN A GROSSLY NEGLIGENT MANNER.

9 (2) A WASTE HAULER, AS THAT TERM IS DEFINED IN SECTION
10 30-20-1001 (16), C.R.S., OR OWNER OR OPERATOR OF A LANDFILL OR
11 TRANSFER STATION DOES NOT VIOLATE THIS PART 3 IF THE HAULER,
12 OWNER, OR OPERATOR HAS MADE A GOOD-FAITH EFFORT TO COMPLY WITH
13 THIS PART 3 BY POSTING AND MAINTAINING, IN A CONSPICUOUS LOCATION
14 AT THE WASTE HAULER'S FACILITY, TRANSFER STATION, OR THE LANDFILL,
15 A SIGN STATING THAT ELECTRONIC DEVICES WILL NOT BE ACCEPTED AT
16 THE FACILITY, TRANSFER STATION, OR LANDFILL.

17
18 **25-17-306. Public education.** THE DEPARTMENT OF PUBLIC
19 HEALTH AND ENVIRONMENT SHALL COORDINATE WITH EXISTING PUBLIC
20 AND PRIVATE EFFORTS REGARDING THE DEVELOPMENT AND
21 IMPLEMENTATION OF A PUBLIC EDUCATION PROGRAM ABOUT THE
22 RECYCLING OF ELECTRONIC DEVICES, THE REMOVAL OF DATA FROM AN
23 ELECTRONIC DEVICE BEING OFFERED FOR RECYCLING, THE BENEFITS OF
24 ELECTRONIC DEVICE RECYCLING, HOW TO FIND ELECTRONIC DEVICE
25 RECYCLERS, AND IMPLEMENTATION OF THE LANDFILL BAN PURSUANT TO
26 SECTION 25-17-303. THE DEPARTMENT SHALL PERFORM THESE FUNCTIONS
27 WITHIN ITS EXISTING RESOURCES.

1 **25-17-307. Charitable donations of electronic devices.** (1) A
2 CHARITABLE ORGANIZATION, AS DEFINED IN SECTION 6-16-103 (1), C.R.S.,

3 MAY:

4 (a) REFUSE TO ACCEPT A DONATION OF AN ELECTRONIC DEVICE;

5 AND

6 (b) ESTABLISH A SURCHARGE FOR ACCEPTANCE OF A DONATION OF
7 AN ELECTRONIC DEVICE.

8 **25-17-308. Rules.** THE COMMISSION SHALL ADOPT RULES
9 NECESSARY TO IMPLEMENT THIS PART 3.

10 **SECTION 2. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 8, 2012, if adjournment sine die is on May 9,
14 2012); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2012 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) The provisions of this act apply to acts occurring on or after
21 the applicable effective date of this act.